

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE**

---

CHERRY CHENG,

Plaintiff,

vs.

Docket No. \_\_\_\_\_

US EXPRESS, LLC,

Defendant.

---

**COMPLAINT**

---

COMES NOW, the Plaintiff, Cherry Cheng, (hereinafter: the “Plaintiff”), by and through her counsel of record, Henry S. Queener, III, of Queener Law, and files this complaint for personal injuries and the wrongful death of her husband, Khui Cheng, received at the hand of the Defendant as follows:

**I. PARTIES**

1. The Plaintiff is a resident and citizen of Davidson County, Tennessee. She is the widow of Khui Cheng. The Plaintiff brings this suit pursuant to T.C.A. § 20-5-110, et. seq., and specifically T.C.A. § 20-5-110(a).
2. The Defendant, US Express, LLC, (hereinafter: the “Defendant Motor Carrier”), was the motor carrier of a tractor-trailer at all times relevant to this complaint.
3. The Defendant Motor Carrier is organized under the laws of the state of South Carolina with its principal place of business at 3511 Vista Trail Anderson, SC 29624.

4. On or about January 24, 2024, the Defendant Motor Carrier had the following United States Department of Transportation Number: 2474577.
5. The Defendant Motor Carrier's "blanket company" as reported to the United States Department of Transportation is Evilsizor Process Services, LLC; via this 'blanket company' the Defendant Motor Carrier's agent in the State of Tennessee for service of process is Sharon Lee's Fuel Tax Service, LLC at 1726 Carroll Rd. Morristown, TN 37813. The Defendant Motor Carrier can be served with service of process via Sharon Lee's Fuel Tax Service, LLC.
6. On or about January 24, 2024, the Defendant Motor Carrier was a "motor carrier" (as this term is defined in 49 CFR § 350.105) of the tractor-trailer involved in the collision at issue in this complaint.

## **II. JURISDICTION AND VENUE**

7. Plaintiff's cause of action arises in tort under and by virtue of the laws of the State of Tennessee for the damages sustained as a result of an automobile collision on or about January 24, 2024, in Nashville, Davidson County, Tennessee.
8. Subject matter jurisdiction over this action is proper pursuant to 28 U.S.C. §1332.
9. Venue for a trial on the merits in this court is proper, in part, because the wreck at issue happened in Davidson County, Tennessee which is in the Middle District of Tennessee, Nashville Division.

### **III. FACTUAL ALLEGATIONS**

10. At all times relevant to this complaint, Khui Cheng was traveling in a safe and prudent manner at the intersection of Harding Place and Tampa Drive in Nashville, Davidson County, Tennessee.
11. At all times relevant to this complaint, the Defendant Motor Carrier's tractor-trailer was being operating at the intersection of Tampa Drive and Harding Place in Nashville, Davidson County, Tennessee.
12. Khui Cheng had a green light.
13. Khui Cheng attempted to drive through the green light at the intersection.
14. Defendant Motor Carrier's tractor-trailer negligently and without warning ran a red light at the intersection and into the vehicle Khui Cheng was driving, causing a collision between the two vehicles and serious personal injury and resulting death of Khui Cheng.

### **IV. DEFENDANT'S ACTS OF NEGLIGENCE AND STATUTORY VIOLATIONS**

15. Plaintiff avers that the Defendant Motor Carrier's via its agent is guilty of the following acts of common law negligence, in that it failed to:
  - a. maintain the vehicle under proper and reasonable control;
  - b. maintain a proper lookout for other vehicles on the roadway;
  - c. bring the vehicle under control and to stop at a red light before striking the vehicle in which Khui Cheng was riding;
  - d. see that which was there to be seen and take proper action with respect thereto.
  - e. Yield the right-of-way to Khui Cheng's automobile.

16. Plaintiff avers that Defendant Motor Carrier was negligent in violating the following statutes of the State of Tennessee which were in full force and effect at the time and place of the collision, constituting ***negligence per se***:
- a. Ran a red light in violation of T.C.A. § 55-8-110.
  - b. Failed to yield the right of way to Cheng vehicle in violation of T.C.A. § 55-8-128.
  - c. Failed to exercise due care in violation of T.C.A. § 55-8-136.
17. The Plaintiff avers that Defendant Motor Carrier was negligent in violating the following ordinances of Metropolitan Nashville/Davidson County which were in full force and effect at the time and place of the collision, constituting ***negligence per se***:
- a. Metropolitan D12.52.120 Driver responsibilities.
  - b. Metropolitan D12.68.170 Careless driving.

## **V. CAUSATION**

18. Plaintiff avers that Defendant Motor Carrier owed a duty of safe, careful and lawful driving to Khui Cheng but that it breached that duty and was negligent on the date of the collision. The negligence of the Defendant Motor Carrier as set forth above, directly and proximately caused the collision and resulted in injuries to and death of Khui Cheng, and the damages and losses here sought by Plaintiff.
19. As a direct and proximate result of the negligence of the Defendant Motor Carrier, Khui Cheng suffered serious, disabling, painful and permanent bodily

injuries, and then death causing Plaintiff to become liable for medical and other expenses.

## **VI. INJURIES AND DAMAGES**

20. As a direct and proximate result of Defendant Motor Carrier's negligence, Plaintiff alleges that she is entitled to damages, including but not limited to the following specific items of damages:

- a. Physical pain in the past by Khui Cheng;
- b. Emotional suffering and grief in the past by Khui Cheng;
- c. Health care expenses;
- d. Loss of enjoyment of life in the past by Khui Cheng;
- e. The wrongful death of Khui Cheng, including his loss of earning capacity and his lost wages before his passing;
- f. The loss of consortium of her husband;
- g. Property damage;
- h. Costs of this cause; and
- i. All other general damages and other relief allowed under the laws of the State of Tennessee to which she may be entitled.

## **VII. RELIEF SOUGHT**

### **WHEREFORE, PLAINTIFFS PRAY:**

1. For a judgment against the Defendant Motor Carrier for compensatory damages in an amount over \$75,000.00 to be determined, for the personal injury and disability and wrongful death suffered by Khui Cheng and the loss of consortium

suffered by Cherry Cheng as a proximate result of the Defendant Motor Carrier's negligence.

2. For cost of this matter to be taxed to the Defendant Motor Carrier.
3. For such other, further and general relief to which he may be entitled under the law.

Respectfully submitted,

QUEENER LAW

/s/Henry S. Queener  
HENRY S. QUEENER  
BPR # 021249  
213 REP. JOHN LEWIS WAY N., SUITE 200  
NASHVILLE, TN 37219  
PHONE (615) 933-9000  
FAX (615) 732-1531  
HQUEENER@QUEENERLAW.COM  
ATTORNEY FOR THE PLAINTIFFS